

Notice of Allowability

Application No.

09/502,313

Examiner

Olabode Akintola

Applicant(s)

ROSE ET AL.

Art Unit

3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/09/2007.
2. ☒ The allowed claim(s) is/are 1-16.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Charles E. Gottlieb on 10/30/07.

Claims

1. (Currently amended) A method of receiving a subscription to a mutual fund, the method comprising:

receiving a request for a home page, the request specifying a domain, but not explicitly specifying a file within said domain;

responsive to the request, providing the home page comprising a notice of a subscription offering and a link to a web page;

receiving a request for the web page;

providing web page information allowing a user to subscribe to the mutual fund responsive to the receiving the request for the web page;

receiving an indication of an amount of money to be invested in the mutual fund;

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identifying that a subscription period for the mutual fund has ended; and
providing to management of the mutual fund a number of subscribers to the mutual fund responsive to the subscription period for the mutual fund having ended, wherein
the request for the web page is received by a broker;
the indication is received by the broker; and
the providing step is additionally responsive to information collected by the broker before
the mutual fund was in operation.

2. (Original) The method of claim 1, wherein the method additionally comprises communicating a total amount of money to be invested in the mutual fund responsive to the amount of money received.

3. (Original) The method of claim 1 wherein all of the steps are performed via the Internet.

4. (Original) The method of claim 1 wherein the web page comprises the web page information.

5. (Original) The method of claim 1 wherein the web page comprises a link that may be followed to an additional web page comprising the web page information.

6. (Previously presented) The method of claim 1, wherein the steps of claim 1 are performed for each of a plurality of users and the method additionally comprises the steps of:

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accumulating the amounts of money from each of the plurality of users; and
providing to the mutual fund management the amounts of money accumulated.

7. (Original) The method of claim 1, wherein the notice comprises a banner.

8. (Original) The method of claim 7 wherein the banner comprises one selected from a scrolling banner and an animated banner.

9. (Currently amended) A computer program product comprising a computer useable medium having computer readable program code embodied therein for receiving a subscription to a mutual fund, the computer program product comprising computer readable program code devices configured to cause a computer system to:

receive a request for a home page, the request specifying a domain, but not explicitly specifying a file within said domain;

responsive to the request, provide the home page comprising a notice of a subscription offering and a link to a web page;

receive a request for the web page;

provide web page information allowing a user to subscribe to the mutual fund responsive to the receiving the request for the web page;

receive an indication of an amount of money to be invested in the mutual fund

identifying that a subscription period for the mutual fund has ended; and

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providing to management of the mutual fund a number of subscribers to the mutual fund

responsive to the subscription period for the mutual fund having ended,

wherein

the request for the web page is received by a broker;

the indication is received by the broker; and

the providing step is additionally responsive to information collected by the broker before
the mutual fund was in operation.

10. (Previously presented) The computer program product of claim 9, wherein the computer program product additionally comprises computer readable program code devices configured to cause the computer system to communicate a total amount of money to be invested in the mutual fund responsive to the amount of money received.

11. (Previously presented) The computer program product of claim 9 wherein at least some of the computer readable program code devices use the Internet.

12. (Original) The computer program product of claim 9 wherein the web page comprises the web page information.

13. (Original) The computer program product of claim 9 wherein the web page comprises a link that may be followed to an additional web page comprising the web page information.

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14. (Previously presented) The computer program product of claim 9, wherein the computer readable program code devices of claim 9 are performed for each of a plurality of users and the computer program product additionally comprises computer readable program code devices configured to cause the computer system to:

accumulate the amounts of money from each of the plurality of users; and
provide to the mutual fund management the amounts of money accumulated.

15. (Original) The computer program product of claim 9, wherein the notice comprises a banner.

16. (Original) The computer program product of claim 15 wherein the banner comprises one selected from a scrolling banner and an animated banner

17-18. (Cancelled)

Allowable Subject Matter

Claims 1-16 are allowed.

Examiner's Statement of Reason for allowance

The following is a statement of reasons for the indication of allowable subject matter:

The most relevant references are the *Stewart*, *D'Amico* and *Ricketts* references.

Stewart discloses a method and apparatus for providing online financial account services comprising receiving a subscription to open and fund a new deposit account online through a web site of a financial institution. A customer is directed to the web site of the financial institution by web-based advertising or other links, by a web search engine or by directly entering the site's URL address in a web browser. The web site provides information related to accounts and other services offered by the financial institution. *Stewart* discloses that the financial institution can be a bank or any other type of financial or investment services company offering deposit based services and that the deposit account can be a checking or savings account, a certificate of deposit, a money market account or any other suitable financial account.

D'Amico discloses prospective customers purchasing shares of a mutual fund by contacting the mutual fund on the Internet, requesting an application and then submitting the completed application along with the appropriate funds to the fund advisor.

Ricketts discloses determining the total number of investors (subscribers) for each series, period and date.

Stewart, *D'Amico* and *Ricketts* fail to teach

providing to management of the mutual fund a number of subscribers to the mutual fund responsive to the subscription period for the mutual fund having ended, and additionally responsive to information collected by the broker before the mutual fund was in operation.

Updated searches revealed no references that disclosed the claimed invention, nor were any further references identified which could be reasonable combined with *Stewart, D'Amico* and *Ricketts*.

For this reason, claims 1-16 are deemed to be allowable over prior art of record.

Any comments considered necessary by the applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reason for Allowance".

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olabode Akintola whose telephone number is 571-272-3629.

The examiner can normally be reached on M-F 8:30AM -5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OA



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PRIMARY EXAMINER